

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**NELLIE S. FRANCIS,**

**Plaintiff,**

**1:04-cv-656  
(GLS/CFH)**

**v.**

**EXCELSIOR COLLEGE,**

**Defendant.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

NELLIE S. FRANCIS  
16 Miller Avenue  
Providence, Rhode Island 02905

**FOR THE DEFENDANT:**

Whiteman, Osterman Law Firm  
99 Washington Avenue  
Albany, New York 12260

HEATHER D. DIDDEL, ESQ.

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation and Order by Magistrate Judge Christian F. Hummel,

duly filed on May 8, 2017. (Dkt. No. 60.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

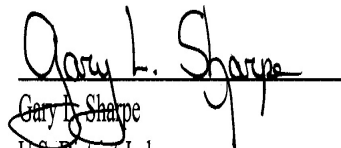
**ORDERED** that the Report-Recommendation (Dkt. No. 60) is **ADOPTED** in its entirety; and it is further

**ORDERED** that plaintiff's letter motion seeking to reopen this case (Dkt. No. 48) is **DENIED**; and it is further

**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the court's Local Rules of Practice.

**IT IS SO ORDERED.**

June 1, 2017  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge